

## **REMARKS**

### **I. Status of Claims**

Claims 1-20 are pending in the application. Claims 1, 4, 8, and 11 are independent.

Claims 1, 2, 4, 5, 7-9, 11, 12, 14-16 and 18 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Yamashita et al. (USP 5,107,723) (“Yamashita”) in view of Skupinski et al. (US 2002/0187877 A1) (“Skupinski”).

Claims 3, 6, 10, 13, 17, 19 and 20 are rejected under 35 USC 103(a) as allegedly being unpatentable over Yamashita, as modified by Skupinski with respect to claims 1, 4, 8 and 11, and further in view of Wu et al. (US 2003/0036457 A1) (“Wu”).

The Applicant respectfully requests reconsideration of these rejections in view of the following remarks.

### **II. Pending Claims**

Claims 1, 4, 8, and 11, the only independent claims, stand rejected under 35 USC 103(a) as allegedly being unpatentable over Yamashita in view of Skupinski.

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, “...control means for starting engagement of said friction engagement element by direct pressure control in response to detection of said input revolution number having been decreased to a predetermined revolution number by said output lowering process.”

The Applicant respectfully submits that claim 4 is patentable over the cited references at least because it recites, “...control means for starting engagement of said friction engagement element by direct pressure control after a lapse of a predetermined period of time following initiation of said output lowering process.”

The Applicant respectfully submits that claim 8 is patentable over the cited references at least because it recites, “...a control circuit starting engagement of said friction engagement element by direct pressure control in response to detection of said input revolution number having been decreased to a predetermined revolution number by said output lowering process.”

The Applicant respectfully submits that claim 11 is patentable over the cited references at least because it recites, "...a control circuit starting engagement of said friction engagement element by direct pressure control after a lapse of a predetermined period of time following initiation of said output lowering process."

Yamashita is characterized in that, upon selection from a neutral range (motive power non-transmitting state) to a forward drive range (motive power transmitting state), the engagement pressure of the friction element is reduced for a predetermined period of time if the engine load is high. By comparison, in certain embodiments of the present invention, the output of the engine is lowered, and then 1) engagement of the friction engagement element is started by direct pressure control when the engine revolution number is lowered to a predetermined number (See claims 1, 8), or 2) engagement of the friction engagement element is started by direct pressure control when a predetermined period of time has passed since initiation of reduction of the engine output (See claims 4, 11).

Although Yamashita describes the engine revolution number, in the case of a YES determination of whether engine revolution number NE 2 A (e.g., when it is determined that the engine load is high), it controls the lower line pressure, which determination is opposite to the above-described features of certain embodiments of the present invention.

The Applicant respectfully believes that these distinctions are clear from the fact that one object of Yamashita is to merely reduce a select shock generated upon selection from a neutral range to a forward drive range. In contrast, certain embodiments of the present invention concern suppressing a shift shock and improving durability of a friction engagement element simultaneously.

As a result, in Yamashita, when it is determined that engine revolution number NE is not less than a constant value A, the engagement pressure of the friction element is merely reduced. That is, the friction element is engaged in a state where the engagement pressure is low, but the engine revolution number is high. Therefore, the Applicant respectfully submits that it would seem that the friction element cannot be ensured in Yamashita.

In addition, the Office Action recognizes that Yamashita does not disclose output means for outputting a command to execute an output lowering process of said engine to an engine

control device in response to detection of the shift to said drive position. In attempt to address these deficiencies, the Office Action cites Skupinski.

The Applicant respectfully submits that Skupinski discloses the engine revolution number ES; however, it is not used for timing as in certain embodiments of the present invention. The Applicant respectfully submits that this is also clear from the fact that an object of Skupinski is to merely minimize output torque disturbances due to garage shifting and the reference has no description regarding the improvement of durability of a friction engagement element.

Further, the Applicant respectfully submits that neither Yamashita nor Skupinski disclose that the timing at which engagement of the friction engagement element is started by direct pressure control corresponds to the timing when the engine revolution number is lowered to a predetermined level (See claims 1, 8), and/or that the timing at which engagement of the friction engagement element is started by direct pressure control corresponds to the timing when a predetermined period of time has passed since the initiation of the engine output lowering process (See claims 4, 11).

As described herein above in detail, the Applicant's invention as claimed is distinct from both Yamashita and Skupinski. That is, Yamashita and Skupinski both fail to disclose the start timing feature to start engagement of the friction engagement element when the input revolution number to the automatic transmission is lowered as recited in independent claims 1, 4, 8, and 11.

The Applicant respectfully submits that lacking any teaching and/or identifying reason why one of ordinary skill in the art would modify Yamashita in the manner as claimed by the Applicant, Yamashita, nor any of the other cited references, anticipate and/or render obvious the Applicant's invention. The Applicant respectfully submits that, as discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed by the Applicant.

Therefore, the Applicant respectfully submits that, claims 1, 4, 8, and 11, and their dependent claims, are patentable over the cited references.

**III. Conclusion**

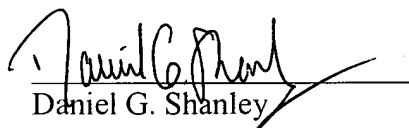
In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By:

  
Daniel G. Shanley  
Reg. No. 54,863

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201